



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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Report No. TEL-00653NS

Friday March 28, 2003

NON STREAMLINED INTERNATIONAL APPLICATIONS ACCEPTED FOR FILING

Section 214 Applications (47 C.F.R. § 63.18); Cable Landing License Applications (47 C.F.R. § 1.767); Authorize Switched Services over Private Lines (47 C.F.R. § 63.16) and Section 310(b)(4)

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in Section 63.12 of the Commission's rules, 47 C.F.R. § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission.

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. Ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206.

Copies of all applications listed here are available for public inspection in the FCC Office of Public Affairs Reference and Information Center, located in room CY-A257 at the Portals 2 building, 445 12th Street SW, Washington DC 20554. The center can be contacted at (202) 418-0270. All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Petition for Declaratory Ruling

SkyWave Mobile Communications, Corp. (SkyWave Mobile or Petitioner) seeks a declaratory ruling that it is not contrary to the public interest for SkyWave Mobile to acquire indirect foreign equity and voting interests in excess of the 25 percent benchmark in Section 310(b)(4) of the Communications Act of 1934, as amended. This request is filed in conjunction with an application for Title III mobile earth terminals. See FCC File No. SES-LIC-20030311-00353, E-030055.

According to the petition, SkyWave Mobile is a Delaware corporation wholly owned by SkyWave Mobile Holdings, Corp., a Delaware holding company. In turn, SkyWave Mobile Holdings, Corp. is wholly owned by SkyWave Mobile Communications, Inc. (SMCI), a Canadian corporation. Petitioner states that the equity and voting interests in SMCI are held as follows: 1378346 Ontario, Inc. a Canadian corporation (50.25 percent); ID, L.P., a Canadian limited partnership (22.23 percent); SMCI's employee stock option plan (22.06 percent); and other named Canadian citizens and entities (5.46 percent).

Petitioner states that 1378346 Ontario, Inc. is an inactive company whose sole purpose is to act as a trustee owner of share investments made by McLean Watson Ventures II Limited Partnership (MWV), a Canadian venture capital investment firm. Petitioner further states that 1378346 Ontario, Inc. is wholly owned by 1319318 Ontario Limited, a Canadian corporation that is the general partner of MWV. According to Petitioner, the only limited partner of MWV with an indirect 10 percent or greater stake in SkyWave Mobile (through 1319318 Ontario Limited) is the Treasury of the Province of British Columbia of Canada, which holds approximately 34 percent of the investment units in MWV in its capacity as administrator of the provincial government's employee pension fund. 1319318 Ontario Limited is wholly owned by McLean Watson Inc., a Canadian company whose principal business is the management of venture capital investments. It is owned by two named Canadian citizens that hold one share each. ID, L.P. is 99.9 percent owned by Federation des Caisses Desjardins, a credit union that is widely held by its depositors. Petitioner asserts that, pursuant to the rules and policies established in the Commission's Foreign Participation Order, 12 FCC Rcd 23891 (1997), Order on Reconsideration, 15 FCC Rcd 18158 (2000), these indirect foreign equity and voting interests are consistent with the public interest.

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 C.F.R. §§ 1.2001-.2003.

The Commission most recently amended its rules applicable to international telecommunications common carriers in IB Docket No. 98-118, Review of International Common Carrier Regulations, FCC 99-51, released March 23, 1999, 64 Fed. Reg. 19,057 (Apr. 19, 1999). An updated version of Section 63.09-.24 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/td/pf/telecomrules.html>.